

APPENDIX XIII

Serial No.: 09/955,064

Docket No.: 49933US032

Order Dismissing Appeal mailed from the U.S. Patent and Trademark Office on
July 23, 2003.

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte TIMOTHY L. HOOPMAN and NELSON D. SEWALL

**Appeal No. 2003-1026
Application 09/955,604**

ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.

On June 30, 2003, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

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Application 09/955,604

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